



IN THE
THE UNITED STATES SUPREME COURT

OCTOBER TERM, 1977

No. ~~77-31~~

James G. King, Jr. Pro se
Petitioner

V.

Housing Urban Development Agency-
The U.S. Civil Service Commission-
United States Attorney and The United
States

PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF CLAIMS: ~~UNITED STATES~~
~~COURT OF APPEALS - DISTRICT OF COLUMBIA CIRCUIT.~~

5/27/77
October 1977

James King
3330 Buehler Ct.
Olney, Maryland

Pro se

INDEX

	page
Opinions below-----	1
Jurisdiction-----	2
Questions presented-----	2
Constitutional and	
Curiam provisions-----	2
Statement of the case-----	3
Reason to grant Certiorari-----	3-4
Conclusion-----	4

APPENDIX

A-----	5
B-----	6
C-----	7

cases;

CITATIONS

Andresen V. Maryland, U.S. S.Ct. No
74-1646, cert granted Oct. 6, 1975

The Doctrine of Laches et al..

The Doctrine of Estoppel et al..

Rogers V. Ala., 192 US, 226, 24

Mapp V. Ohio, 367 US., 643 et al..

CONSTITUTIONAL HOLDINGS

Fourth, Fifth, Sixth and Eighth Amendments..

The Equal opportunity:protection Clause of The
Fourteenth Amendment et al..

IN THE SUPREME COURT OF THE UNITED STATES October Term , 1977

No _____

James G. King, Jr.
Petitioner

V.

Housing Urban Development Agency-The US
Civil Service Commission-, United States
Attorney and The United States

PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF CLAIMS: APPEALS
FOR THE DISTRICT OF COLUMBIA
CIRCUIT

Petitioner, James G. King, Jr. , pray for
a writ of certiorari to review the opinion and
judgment of the United States Court of Claims
for the District of Columbia Circuit in this case.

OPINIONS BELOW

The opinion of The Trial Judge is reported
at 72-77 USC. The opinion of the Court of Appeals
is reported at 72-C-914 and 74-C-542 EDNY.

JURISDICTION

The Court of Appeals entered judgment on April, 28, 1975 and March 5, 1976 respectively.

The U.S. Court of Claims denied the Petitioner's motion to vacate dismissal on June 24, 1977 via default of The United States Attorney.

QUESTIONS PRESENTED

1. Is the Petitioner's 4th, 5th and 14th Amendment rights violated herein ?
2. Does per curiam denial of Oral Argument deny Petitioner his Constitutional guarantees as a U.S. Citizen ?
3. Is The Petitioner's right to Counsel abrogated in these instances of cause ?
4. Is this the usual course of Judicial proceedings ?
 - Constitutional Provisions-

FIFTH AMENDMENT

"No person...shall be compelled,
to be a witness against himself;....."

FOURTH AMENDMENT

"The right of the people to be secure in
their persons,, against unreasonable
searches and seizures shall not be violated;

FOURTEENTH AMENDMENT

The 'Exclusionary Rule' binds the 14th, 4th
and 5th Amendment to each State and
District of the United States Of America.

SUBSTANTIVE DOCTRINES

The Doctrine Of Estoppel a tenet of English
Anglo-Saxon Common Law bars most legal
forms of entrapment.

STATEMENT OF THE CASE

Sirs:

Petitioner respectfully appears in this instance
of cause, and moves , pursuant to FRP rules 23,
15 and 60 , for issuance of a 'Writ of Certiorari'
re. 76-2101 USCA , infra 72-77 USC, both of
the D. C. cir., based upon 'The denial of due
process'.

The specific instance of cause referred to occurred
when The United States Attorney , inadvertantly
failed to file timely his opposition to a motion
initiated by the Plaintiff-Appellant to vacate an
order of dismissal per Curiam and specified as being
issued without Oral Argument .

This denial has , inadvertantly jeopardized the fair
result of a recent decision by the United States
Court of Claims and The United States Court of
Appeals, both of the D.C. Cir..

Said jeopardy is compounded per curiam, adversely
affecting Petitioner's personal and family well being,
personal security and stability as American Citizens.

REASON TO GRANT CERTIORARI

1. To cause a reopening of a prior adjudication , any
relevant 'newly discovered' evidence would have
had to be presented to that court within one year
of the judgment entered by that court.
 - This evidence was presented infra 73-C-1749 EDNY,
re. 72-C-914 EDNY. 75-C-6125 EDNY , re. 74-C
542 EDNY. infra 76-1649 D.C., Cir., re. 76-2101
D.C. , Cir..

REASON TO GRANT CERTIORARI

2. According to the 'Doctrine Of Laches' the court is barred from reconsidering a cause filed more than 5-6 years after cause initially accrued.
 - Petitioner filed or caused to be filed via representations Appellate actions within a one or four year period in each of the preceding instances of cause.
3. The 4th and 5th U.S. Constitutional Amendments are bound to each State and District by the 14th Amendment.
4. The Doctrine of Estoppel precludes most forms of legal entrapment and crystallized our present beliefs of Democratic legal proceedings.
5. Deft's (U.S. Attorney's) inadvertence in filing an untimely motion:opposition to the Petitioner's Original motion to vacate dismissal in ,U.S. Court Of Claims action 72-77 , D.C. , Cir. has produced default which may compound Petitioner's legal and civil rights if same is not legally defined per certiorari, to the Court of Claims.

CONCLUSION

'If a lower court has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a lower court' the legal recourse is Certiorari requests to the Supreme Court in a respectful manner.

APPENDIX

APPENDIX A

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

No. 73-C-1749 EDNY

James G. King, Jr.
Appellant

V

U.S. Civil Service Commission et al

Appeal from the United States District
Court - EDNY
No. 72-C-914

Heard on the briefs only. Per. Hon. J.R. Bartels

Before Hon. Ellsworth A. Van Graafeiland
Hon. James L. Oakes
Hon. Feinberg
second circuit

Affirmed on Hon. J.R. Bartels Opinion.
That is Jurisdiction: Judgment barred by the Doctrine
of Laches. With oral referral to the Court of Claims.

-5-

Dated: 4/28/75

APPENDIX B
UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

No. 75-C-6125 EDNY
(infra 73-C-1749)

James G. King, Jr.
Appellant

V

U.S. Housing Commission (Federal Housing
Authority et. al.)

Appeal from the United States District
Court- EDNY
No. 74-C-542

Heard: Subject to Jurisdiction, and fines
(Counsel of The Appellant died
prior to adjudication.). Per Hon. Bartels.

Before Hon. Van Graafeiland
Hon. Oakes
Hon. Feinberg
Second Circuit

Appeal dismissed for lack of jurisdiction.
Without oral argument, and by default.

-6-

Dated: 2/24/76

APPENDIX C
UNITED STATES COURT OF CLAIMS
D.C. CIR.

No. 72-77 USC

(infra 72-C-914 EDNY, 74-C-542
EDNY, 76-2101 from 76-1649 D.C.,
Cir..)

James G. King, Jr.
Plaintiff-Petitioner

Against

Housing Urban Development Agency, U.S. Civil
Service Commission et al., The United States
(The U.S. Attorney General)
Defendant-Respondent

Heard without oral argument.

Before Hon. Davis, Hon. Nichols and Hon.
Bennett.

Order: ' IT IS ORDERED that plaintiff's said
motion, filed June 3, 1977, to vacate
the order of dismissal, be and the same
is denied.

By The Court

June 24, 1977

See also attachments 1 and 2.

IN THE UNITED STATES COURT OF CLAIMS

NO. 72-77

JAMES C. KING, JR.

v.

THE UNITED STATES

James G. King, Jr., pro se

James F. Merow, with whom was Assistant Attorney
General Barbara Allen Babcock, for defendant

Before DAVIS, Judge, Presiding, NICHOLS and
BENNETT, Judges.

O R D E R

This pro se petition (with several attachments) is difficult to understand, referring to a number of seemingly unrelated matters. The only one which could conceivably fall within the jurisdiction of this court is an allegedly "illegal discharge" "in the fiscal year 1966" from employment with the Federal Government. Defendant's motion to dismiss supplies us with papers indicating that this could refer to either or both of two separations from the Government--one dismissal was from the Patent Office in 1964 which was upheld by the Board of Appeals and Review of the Civil Service Commission on March 16, 1966, while the other was from the Bureau of the Mint in January 1966. If plaintiff is referring to the first, his claim here is barred both by the six-year statute of limitations (28 U.S.C. § 2501) and by former adjudications of the same claim within the Second Circuit. James C. King v. United States Civil Service Commission, complaint dismissed, E.D.N.Y., Nov. 1, 1974, order affirmed by the Court of Appeals, No. 74-2636, April 28, 1975. If plaintiff is referring to his separation from the Bureau of the Mint, that claim is also
Barred by Doctrine of Laches,

IT IS THEREFORE ORDERED AND CONCLUDED, without oral argument, that defendant's motion to dismiss is granted and the petition is dismissed.

BY THE COURT,

May 27, 1977

Signed

Oscar H. Davis
Judge, Presiding